

Forbes

Trayvon Martin: Confronting the Problem of Enduring Racism

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America is a land of liberty and opportunity, and has admirably served as “a city upon a hill” in the words of Puritan John Winthrop, who led the Massachusetts Bay Colony in the New World. The U.S. continues to attract freedom-seekers from around the world.

Yet America’s greatness has come at a cost. Indeed, the nation founded on the principle of individual liberty enshrined slavery in its founding document. Although the U.S. has come far in the 150 years since the great civil war which destroyed that system, racism lives on.

It is a legacy which white Americans like me can never truly understand.

The point is not that America is pervasively racist or uniquely flawed. Nor does the existence of racism justify creating a political spoils system which creates new injustices. However, those who love America the most, and who are most determined to preserve a free society which protects individual liberty, must address America’s flaws.

Last month in Sanford City, Florida, a 17-year-old African-American, Trayvon Martin, was walking in a gated community back to his father’s girlfriend’s home after purchasing a bag of Skittles and can of iced tea at a nearby Seven-Eleven. He had been watching a basketball game and went out to buy a snack. A hispanic neighborhood watch volunteer, George Zimmerman, saw Martin and suspected the latter of criminal activity. A confrontation occurred during which Zimmerman shot and killed the teen. Although Martin was unarmed, the 28-year-old Zimmerman claimed self-defense.

The latter was not charged with any crime. Protests have erupted across Florida and the nation. The Sanford police chief took a leave of absence after a

city council vote of no confidence. The state attorney has convened a grand jury, Florida Gov. Rick Scott has appointed a special prosecutor, and the Justice Department has launched an investigation.

It is virtually impossible to dispassionately assess the killing. “He said, she said” controversies are notoriously hard to resolve. There apparently were only two witnesses to the Martin killing: one is dead, while the other has an incentive to lie.

Moreover, no one should be convicted in a media trial. Nor should prosecutions be launched in response to public demonstrations or internet petitions, like that being circulated by Martin’s parents on change.org “calling for Zimmerman’s prosecution and trial.”

Indeed, the protests took an ugly turn with the involvement of the notorious race hustler (and “Reverend”) Al Sharpton, who 25 years ago promoted the fraudulent claim of rape by 15-year-old Tawana Brawley. Her claim was discredited and he lost a suit for defamation. At the time he told one of his allies: “We beat this, we will be the biggest niggers in New York.” Since then the shameless racial demagogue has raced from controversy to controversy.

However, there is no question that Trayvon Martin would still be alive if he was white.

African-Americans long have suffered at the hands of the criminal justice system. Abuses during the Jim Crow era were legion in the South. Minorities faced racial profiling and discrimination in the North. Despite years of progress, African-Americans remain double victims: most likely to suffer from crimes and most likely to be suspected of committing crimes.

John McWhorter, an African-American columnist with the *New York Daily News*, acknowledged America’s progress but noted: “police brutality and insensitivity against blacks remain, as I have often argued, the main obstacle to racial healing in this country. I analogize it to a chimney left standing amid the smoking ruins of a house. No one sees the chimney as evidence that the fire never happened. Yet we can’t rebuild till we get that chimney torn down.”

At a meeting held in at the Olive Street Baptist Church in Sanford after Martin’s killing, local residents detailed violent and sometimes deadly run-ins with law enforcement officials. The frustration was palpable.

Reported the *Washington Post*: “The stories kept coming, as if it were hoped that they would provide some kind of salve for those who knew and loved Trayvon. People were testifying, a ritual in the black church. The facts about each case were impossible to parse on the spot, and possibly lost forever. But the sentiment behind the stories was unmistakable: Bad things had been done to others with the same promise as Martin. Too many questions had gone unanswered.”

What we know about Trayvon Martin’s death suggests that he was the victim of racial stereotyping if not animus. From his SUV Zimmerman called 911 to report a “suspicious person.” He said that “this guy looks like he’s up to no good or he’s on drugs or something. ... He’s got his hand in his waistband. ... These assholes always get away. ... Shit, he’s running.” An audio expert reported that Zimmerman also muttered “f***ing punks” under his breath. (The recording is indistinct; other listeners believe Zimmerman said “f***king coons.”)

Contrary to the instruction of the 911 operator, Zimmerman apparently shadowed Martin, who called his girlfriend. She reported that Martin “said this man was watching him.” Zimmerman got out of his vehicle after which she heard Martin ask: “Why are you following me.” Apparently a fistfight ensued, followed by Zimmerman shooting Martin. Other calls came into 911 during which a voice is heard saying “no, no,” while one caller reported someone screaming “Help! Help! Help!” In dispute is to whom the voice belonged.

Zimmerman claimed that Martin attacked him and the police explained their failure to charge the former based on Florida’s “Stand Your Ground” self-defense law. The measure grants people the right to fight rather than run, but does not treat every claim as legitimate. The law requires that someone “reasonably believes” use of deadly force “is necessary ... to prevent death or great bodily harm.”

Unfortunately, the police, who previously have been accused of coaching a witness to fulfill the law’s terms, appeared to accept Zimmerman’s account on faith and ignored standard investigative procedures. Zimmerman had a 110 pound weight advantage over Martin, who carried snacks, not a weapon. Even if Martin started the fight and punched Zimmerman, as claimed by the latter, it is doubtful that would generate a reasonable belief in the threat of “death or great bodily harm.”

Moreover, Zimmerman is responsible for the violence. By following the teen Zimmerman evidently frightened Martin; the latter probably had a far better self-defense claim than Zimmerman. It would be a dubious bootstrap to allow the person who sparked a violent confrontation without cause then to claim to be acting in self-defense. Former Republican state senator, Durell Peaden, who cosponsored the “Stand Your Ground” legislation, argued that when Zimmerman “said ‘I’m following him,’ he lost his self-defense.” Added Peaden: “There’s nothing in the Florida law that allows him to follow someone with a damn gun.”

Finally, Zimmerman’s record was not “squeaky clean” as the police originally reported. He’d been previously arrested for resisting arrest and assaulting a police officer; the charges later were dropped. Zimmerman also had been the subject of several complaints from neighbors about his aggressive tactics while acting on neighborhood watch. Neighbor Frank Taaffe defended Zimmerman, but admitted: “I think he had fed-up issues. He was mad as hell and wasn’t going to take it anymore.” Zimmerman’s two 911 calls regarding Martin were his 47th and 48th phone calls to the emergency service, suggesting zealotry or paranoia, or, more likely, a combustible combination of the two.

All told, Zimmerman apparently was angry and confrontational, suspicious of blacks in his neighborhood, and determined to prevent a potential malefactor from escaping. He followed Martin for no apparent reason other than the fact the latter was an African-American teen. Zimmerman ignored the advice of the 911 operator, caused Martin to fear for his safety, and needlessly created a violent confrontation. Without question Zimmerman exercised bad judgment and made a series of bad decisions; if Martin made a mistake, it was to fight back, but then, he may have reasonably believed that doing so was necessary for his self-defense.

One still should not pronounce Zimmerman guilty of a crime from afar, but it’s hard to see how he does not bear some legal culpability. Certainly his conduct deserves official and serious legal review. His case also should be handled like any other. Martin family attorney Benjamin Crump asked: “Do we really believe that if Trayvon Martin would have pulled the trigger, he would not be arrested?” What if a black teen had shot and killed an unarmed white neighborhood watch volunteer in Sanford, Florida? One suspects that to ask the question is to answer it.

The criminal law is no place for a public relations railroad. However, a liberal society governed by the rule of law cannot allow someone to be killed simply because he is a black teenager. It also is important that an entire segment of American society not see itself as disenfranchised, even threatened, by its government.

Trayvon Martin's death is a tragedy for everyone involved. Even if Zimmerman did a bad deed, he likely didn't intend evil. But justice requires holding him responsible for killing Martin, who appears to have been guilty of nothing other than being the wrong race and wrong age in the wrong place at the wrong time.

Thankfully, the era of Jim Crow is over. Unfortunately, the prejudices behind that time have not entirely dissipated. Which means Americans still have work to do.